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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,940

Applicant(s)

YAHYAPOUR, HAMID

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: In claim 8, line 2, “fluorescent” is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, there is no antecedent basis for “said board”. In claim 4, line 1, there is no antecedent basis for “said second panel”. In claim 4, line 2, it is not clear whether the “front surface” is referring to the front surface of the first or the second panel and whether “said character set” is referring to the character set on the first or second panel. In claim 4, lines 4-7, it is not clear whether the “segments” and “ends” refers to the segments and ends of the first or second panel. In claim 4, line 5, “said board” is indefinite since it is not clear whether the applicant is referring to the board defined in claim 1 or means to refer to a second board. Claim 5 is indefinite since it appears that the frame is the same as the panel, see the specification, page 8, lines 16-17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1,3, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Roussel (U.S. Patent No. 5,526,599).

Roussel shows in figures 1-5 a first panel (16), at least one character set (12,14) including segments (22) attached by elastomeric members (40). Each of the segments (22) has a first surface of a first color and an opposite second surface of a second color. In regard to claim 3, Roussel shows in figure 1 that the first panel carries multiple character sets (12,14). In regard to claim 9, Roussel shows in figures 1 and 2 that the character set comprises seven segments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,4,5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of Oelschlaeger (U.S. Patent No. 3,740,878).

In regard to claims 2 and 4, Roussel does not disclose the idea of attaching a second panel to the first panel. Oelschlaeger shows in figures 1-5 the idea of attaching a second panel (16) to a first panel (16) in order to allow information to be displayed on both the first panel and the second panel. In view of the teachings of Oelschlaeger it would have been obvious to one in the art to modify Roussel by attaching a second panel to the first panel and placing character sets on the second panel which are similar to the character sets on the first panel since this would allow information to be displayed in a direction opposite to the direction in which the information on the first panel is displayed which would allow the information on the display to be seen by more

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observers. In regard to claim 5, Roussel does not disclose the use of a frame. Oelschlaeger shows a frame (10,12) attached to the first panel. In view of the teachings of Oelschlaeger it would have been obvious to one in the art to modify Roussel by attaching a frame to the panel since this would allow the panel to be supported on a display stand in an easier, more convenient manner, and in a more aesthetically pleasing manner. In regard to claim 10, Roussel does not disclose the use of a supporting stand. Oelschlaeger shows a supporting stand (18). In view of the teachings of Oelschlaeger it would have been obvious to one in the art to attach the panel to a supporting stand since this would allow the panel to be seen in a better and more aesthetically pleasing manner.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of King et al. (U.S. Patent No. 4,583,312).

Roussel does not disclose the use of a frame. King et al. shows a frame (12) attached to a first panel. In view of the teachings of King et al. it would have been obvious to one in the art to modify Roussel by attaching a frame to the panel since this would allow the panel to be displayed in a more aesthetically pleasing manner.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of Cihanek (U.S. Patent No. 4,729,184).

In regard to claim 6, Roussel does not disclose the type of material used to make the panel. Cihanek discloses in column 2, lines 57-65 the idea of making a display panel (10 or 12) out of a plastic material. In view of the teachings of Cihanek it would have been obvious to one

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in the art to modify Roussel by making the panel out of plastic since this would allow the panel to be made in an easier and faster manner and would make the panel more durable. In regard to claim 8, Roussel does not disclose the idea of making the first color a fluorescent color. Cihanek discloses in column 2, lines 55-56 the idea of making a first color a fluorescent color. In view of the teachings of Cihanek it would have been obvious to one in the art to modify Roussel by making the first color fluorescent since this would allow the first color to be seen in a better manner.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of Cooper et al. (U.S. Patent No. 5,737,862) or Gossett (U.S. Patent No. 2,104,366).

Roussel does not disclose the use of a transparent cover. Cooper et al. shows in figures 1 and 2 a transparent cover (40) attached to a changeable display. Gossett shows in figures 1 and 2 a transparent cover (2) attached to a changeable display. In view of the teachings of Cooper et al. or Gossett it would have been obvious to one in the art to modify Roussel by attaching a transparent cover over the first panel since this would help to protect the segments from damage and would help to prevent the segments from being tampered with by unauthorized personnel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Dec. 3, 2003